CASE PROCESSING STANDARDS ANALYSIS FAMILY LAW - POST-JUDGMENT MOTIONS

National Center for State Courts Model Time Standards for Post-Judgment Motions:

98% within 180 days

Measurement: The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order.

Arizona Family Law - Post-Judgment Motions

The following standard has been adopted for Family Law Post-Judgment Motion cases:

50% within 180 days 90% within 270 days 98% within 365 days

Measurement: The date of filing a post-decree or post-judgment petition to the date of

disposition by entry of judgment or order.

Excluded Time: The following may result in a stay of proceedings and the time elapsed will be

excluded from measurement: pending juvenile cases and stays granted pursuant

to the Servicemembers Civil Relief Act.

Arizona Rules and	Timelines under Statute and Rule
Statutes	
Petition Filed:	(Measurement Starts Here)
Rule 91.1, ARFLP ¹	Petition for Modification of Spousal Maintenance or Child Support
Rule 91.2, ARFLP	Petition for Enforcement of Spousal Maintenance or Child Support
Rule 91.3, ARFLP	Petition to Modify Legal Decision-Making or Parenting Time
Rule 91.4, ARFLP	Petition to Relocate or Prevent Relocation
Rule 91.5, ARFLP	Petition for Enforcement of Legal-Decision Making or Parenting
	Time; Warrant to Take Physical Custody
Rule 91.6, ARFLP	Other Post-Decree and Post-Judgment Petitions
Rule 91(D), ARFLP	Petition to Modify or Enforce a Judgment: After filing the petition,
	the applicant must submit to the assigned judicial officer two copies of
	an order to appear, and a copy of the petition showing the court's filing
	stamp. Upon receipt of the petition and proposed Order to Appear, the
	court must review the petition and (a) reject the petition for failure to
	state grounds upon which relief can be granted, or (b) issue the Order
	to Appear. If the court rejects the petition, the court must provide the
	applicant with an explanation of the deficiency and provide an
	opportunity to correct the deficiency within 30 days after the date of
	the rejection notice. If the court issues the Order to Appear, it must set
	a resolution management conference or evidentiary hearing, as
	appropriate.

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¹ Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Service of Process and Response:	
Rule 91(j), ARFLP	Time for Service: The applicant must serve the petition, and every order, warrant, and affidavit in support of the petition, on all other parties in the manner required under Rules $40(f)(1)$ or 41 , as applicable. The applicant must make good faith efforts to complete service promptly and within 10 days after the receipt of the issued order to appear but must complete service in no event later than 20 days before the hearing.
Rule 91(k), ARFLP	Dismissal for Lack of Prosecution: The court may dismiss a post-judgment petition if (a) a petition to enforce or modify a judgment is filed but not presented to the assigned division with a proposed order to appear within 30 days after filing; (b) the applicant fails to accomplish service before the conference or hearing as provided in this rule and the date to accomplish service is not extended; or (c) the applicant fails to appear at the conference or hearing. The court may extend the deadlines in this rule for good cause.
Rule 40(f)(1), ARFLP	Service; Acceptance or Waiver; Voluntary Appearance: A party may accept service. The acceptance of service must be in writing, signed by that party or that party's authorized agent or attorney, and be filed in the action.
Rule 91(l), ARFLP	Responses; Time for Response: Unless a statute or rule requires otherwise, a party served with a petition may, but is not required to, file a response to the petition. However, if a party chooses to respond or when rules specifically require a response, the responding party must file and provide a copy of the response to the applicant or, if represented, the applicant's attorney. Unless the court orders otherwise, the response must be filed at least 3 days before the scheduled conference or hearing.
Servicemember protections:	
50 USC § 3931	Protection of servicemembers against default judgments: This provision applies to any civil action or proceeding, including any child custody proceeding, in which the defendant (respondent) does not make an appearance. The court must grant a stay of proceedings for a minimum period of 90 days upon application of counsel, or on the court's own motion, if the court determines that: 1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant (respondent), and 2) after due diligence, counsel has been unable to contact the defendant (respondent) or otherwise determine if a meritorious defense exists.
50 USC § 3932	Stay of proceedings when servicemember has notice: This provision applies to any civil action or proceeding, including any child custody proceeding, in which the plaintiff or defendant (respondent) at

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the time of filing for a stay is in the military or is within 90 days after termination of or release from military service and has received notice of the action or proceeding. The court may on its own motion and must, upon application by the servicemember, stay the action for a period of not less than 90 days , if conditions are met. Conditions include a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear, as well as a letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter. The servicemember may also apply for an additional stay based on continuing material effect of military duty on the servicemember's ability to appear.
Stay or vacation of execution of judgments, attachments, and garnishments: If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and must, on application by the servicemember: (1) stay the execution of any judgment or order entered against servicemember; and (2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment.
Modification of legal decision-making or parenting time; affidavit; contents; military families: If the parent with whom the parent's child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the United States military that involve moving a substantial distance away from the parent's residence, a court cannot enter a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless a modification is agreed to by the deploying parent. A decree or order that a court enters in contemplation of or during the military deployment of a parent outside of the continental United States must specifically reference the deployment and include provisions governing the legal decision-making or parenting time arrangements, or both, of the minor child after the deployment ends. Either parent may file a petition with the court after the deployment ends to modify the decree or order, in compliance ARS § 25-411(L). The court must hold a hearing or conference on the petition within 30

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
Discovery and Disclosure: Rule 91(m), ARFLP Rule 49, ARFLP	Disclosure: Each party must comply with Rule 49 within the time established by the court at the conference or hearing or as agreed by the parties.
Mediation: Rule 91(O), ARFLP	The court may require, by local rule, or on the court's own initiative, that the parties submit to mediation before the court will hold an evidentiary hearing on any legal decision-making or parenting time issues. (Measurement Stops When Judgment or Order is Entered)

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